

Patent
Serial No. 10/510,787
Amendment in Reply to Office Action of April 19, 2006

IN THE DRAWING

Please replace FIG. 2 with the enclosed replacement drawing sheet including FIG. 2 that follows this amendment.

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REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated April 19, 2006. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-11 are currently pending in the Application, and claims 12-14 are added by this amendment. Claims 1 and 13 are independent claims. By means of the present amendment, the claims and specification have been amended for better conformance to U.S. practice, such as removing reference signs from the abstract, shortening the abstract to 150 words, changing "characterized in that" to --wherein--, correcting typographical errors, changing spelling from British to American spelling, beginning dependent claims with "the" as well as correcting other informalities noted upon review. Claim 1 was also amended to clarify what was previously required. The claims were not amended in this way to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents. Applicant furthermore reserves the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

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In the Office Action, the drawings were objected to because it is alleged that reference character "1" had been used to designate both the disc in FIG. 1 and the line in FIG. 2. The objection is respectfully traversed. In fact, the drawings as submitted show a reference character "1" for the disc in FIG. 1 and a reference character "1" (small letter L) to designate the line in FIG. 2. However, in the interest of furthering prosecution and simplifying the issues, a replacement drawing sheet including a replacement FIG. 2 is enclosed. In replacement FIG. 2, "line 50" replaces "line 1". Further, the specification has been amended for conformance with the replacement drawing. Accordingly, Applicant respectfully requests withdrawal of the drawings objection and approval of the enclosed proposed replacement drawing.

The specification is objected due to informalities due to use of the word "focusing" is provided in European spelling. Applicant thanks the Examiner for pointing out the typographical error. Appropriate corrections have been made throughout the specification in accordance with the Examiner's suggestions thereby obviating these objections. Accordingly, Applicant respectfully requests withdrawal of the objection and approval of the enclosed changes to the specification.

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The Examiner suggests adding headings to the specification. Applicant gratefully acknowledges the Examiner's suggestion, however respectfully declines to add the headings as they are not required in accordance with MPEP §608.01(a).

Claim 1-6 and 11 are objected to for informalities. Regarding claims 1-6, it is requested that the word "focusing" should be amended to read "focusing". Applicant thanks the Examiner for pointing out the typographical errors. Appropriate corrections have been made thereby obviating these objections. Accordingly, Applicant respectfully requests withdrawal of the objection and approval of the enclosed amended claims.

Regarding claims 1, it is asserted that the phrase "which means constrain..." in line 4 of claim 1 should read "wherein the means constrain...". This objection to the claim is respectfully traversed. It is respectfully asserted that "which means constrain" and "wherein the means constrain" have the same meaning and both are grammatically correct. However, in the interest of furthering prosecution, the claim has been amended as requested. Accordingly, Applicant respectfully requests withdrawal of the objection and approval of the enclosed amended claim 1.

Regarding claim 11, it is asserted that the phrase "read/write

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head" should be amended to read "read and/or write head ...". This objection is respectfully traversed. It is believed that "read/write head" and "read and/or write head" have similar meaning and would be readily understood as such. However, in the interest of furthering prosecution and simplifying the issues, the claim has been amended for as suggested. Accordingly, Applicant respectfully requests withdrawal of the objection and approval of the enclosed proposed amended claim 11.

Claim 1 is rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter for the terms "an at least limited translation" and "an at least limited rotation ...". These rejections are respectfully traversed. It is believed that "an at least limited translation" and "an at least limited rotation" have the same meaning as "a limited translation" and "a limited rotation", respectively. However, in the interest of furthering prosecution and simplifying the issues, claim 1 has been amended as suggested. Accordingly, Applicant respectfully requests withdrawal of the rejection and approval of the enclosed amended claim 1.

Claims 1-3, 5, 8, 10 and 11 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,905,255 to

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Wakabayashi ("Wakabayashi"). Claim 4 and 9 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Wakabayashi in view of U.S. Patent No. 6,307,687 to Nishikawa ("Nishikawa"). Claims 6 and 7 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Wakabayashi in view of U.S. Patent No. 6,639,744 B2 to Ohno ("Ohno"). All the above rejections are respectfully traversed.

Wakabayashi shows an actuator comprising two conductive coils where the focusing coils are spaced apart. In Figures 1, 7, and 10 of the prior art, Wakabayashi shows focusing coils 7a and 7b spaced apart from 7c and 7d along a line of symmetry. In column 6, line 9-18 Wakabayashi states that "yokes 5a and 5b are located almost symmetrically about a plane including the center of gravity of the movable member 20 and being perpendicular to the tracking direction" and "focusing coils 7a to 7d, each having a winding direction in the focusing direction F, are wound round the yokes 5a to 5d, respectively." The prior art shows focusing coils 7a through 7d positioned spaced apart, yet not offset from each other since each are placed symmetrically along a plane. Wakabayashi does not show that the focusing coils are offset along an axis extending in the tangent direction (x). For example, see FIGs. 1,

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5 and 7 that clearly show that the coils are not offset with respect to each other.

It is respectfully submitted that the apparatus of Claim 1 is not anticipated or made obvious by the teachings of Wakabayashi. For example, Wakabayashi does not disclose or suggest, an apparatus that amongst other patentable elements, comprises (illustrative emphasis provided) "an actuator means ... wherein the focusing coils are offset from each other along an axis extending along the tangent direction (x)" as required by claim 1, and as substantially required by claim 13.

Based on the foregoing, the Applicant respectfully submits that independent Claims 1 and 13 are patentable over Wakabayashi and notice to this effect is earnestly solicited. In regard to the 35 U.S.C. §103(a) rejection, Nishikawa & Ohno were cited for other elements not included in Wakabayashi and accordingly do not help cure the above defects in Wakabayashi. Claims 2-12 and 14 respectively depend on one of claims 1 and 13 and are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

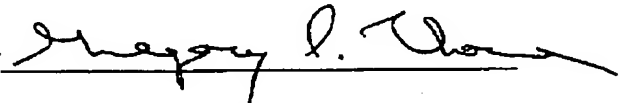
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In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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